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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,771	11/09/2001	Akito Nakatsuka	723-1211	5627
27562 7590 04/02/2008 NIXON & VANDERHYTE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
PANDYA, SUNT				
ART UNIT		PAPER NUMBER		
3714				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/986,771

**Applicant(s)**

NAKATSUKA ET AL.

**Examiner**

SUNIT PANDYA

**Art Unit**

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-14, 16-27 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-27 & 38-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-14, 16-27 & 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshitomi et al. (US Patent 6,347,998, and further in view of Kitano et al. (US Patent 6,659,873).

Claims 1, 12-13, 26-27, 38: Yoshitomi describes a system and a method for a game machine for executing a game in response to a player's operation wherein the game comprises a display for displaying a game screen, operation switches operated by the player (figures 2-4), a start timing synchronization section for establishing start-timing synchronization with other game machines utilized by other players in the game (col. 9-11, wherein the specific timing details are disclosed). Yoshitomi et al. also discloses information storage section for storing operation timing data previously defining an operation timing of operation switches to be operated by the player (figure 1, elements 2-3), and a display controller for having, in response when the game is synchronously started, to display information about the operation timings of

operation switches to be operated by the player based on operation timing data (figures 4-5). Yoshitomi et al. also discloses correlation evaluation means for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage means and said second operation timing storage means [3: 48-67], wherein the game units also have determination means for determining awarded game points earned during the game competition (col. 4: 25-38 & col. 9: 40-60).

However Yoshitomi fails to teach of a communications section for performing data communications, in an analogous art, Kitano teaches of a communication section for performing data communications among other game machines, (col. 3: 5-10). It would have been obvious to one with ordinary skill in the art at the time of the invention to have modified Yoshitomi to include a communication capabilities for multiple game machines to allow players to compete against each other and thus making the game more exciting.

Claims 2-5, 16-20, 39: Combination of Yoshitomi et al. and Kitano teaches of a game machine wherein independent evaluation section for evaluating whether the timing based on the data stored is in a predetermined range from the timing based on said operation timing data (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 6: Combination of Yoshitomi et al. and Kitano teaches of a game machine wherein information storage section stores the operation timing data defining a plurality of the operation timings of operation switches to be operated by the player, evaluation timing setting section is further provided for setting at least one of the

plurality of the operation timings based on operation timing data as an evaluation timing, and operation timing storage section stores the data relating to the operation timing corresponding to evaluation timing (col. 11: 30-60, 12: 39-65).

Claims 8-21: Combination of Yoshitomi et al. and Kitano teaches of a game machine wherein a communication section is used for communication (col. 8: 1-13, 48-68). Yoshitomi et al. also discloses evaluation timing setting section is further provided for setting at least one of the plurality of the operation timings based on operation timing data as an evaluation timing, and operation timing storage section stores the data relating to the operation timing corresponding to evaluation timing (col. 11: 30-60, 12: 39-65).

Claims 9-11, 22-24: Yoshitomi et al. discloses of a game machine wherein correlation evaluation section differs a number of points to be added depending on a difference between the timing based on the data stored in first operation timing storage section and the timing based on the data stored in second operation storage section (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 14-25, 40: Yoshitomi et al. discloses of a game machine wherein a method of controlling game play of the game comprises of establishing start-timing synchronization in the game, reading operation timing data previously defining an operation timing of operation switches to be operated by a player, in response when the game is synchronously started, having a display of the game machine display information about the operation timings of operation switches to be operated by the player based on operation timing data and storing data relating to the operation timings

of operation switches operated by the player in response to the information displayed on display; acquiring, through communications, other data relating to the operation timings of operation switches operated by the player in other game machines; and evaluating, correlation among other game machines in terms of game operation based on its own data and other data (figures 4-5, and col. 11: 30-60, 12: 39-65, 15: 30-50).

Claim 41: Yoshitomi et al. discloses of a game machine, which evaluates a correlation among the game machines based on the determined absolute time lag and the determined relative time lag (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 42-44: Yoshitomi et al. discloses a game machine system having multiple game machine having switches operated by users comprising of a display device to display information regarding the desired operation timings of switches (figure 4), determining an absolute time lag between the actual operation timings of the switches on the game machine by the first user and the desired operation timings of switches by the second user; and evaluating, a correlation of operation among the first and second users of the game machines (col. 11: 30-60, 12: 39-65, 15: 30-50).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 8-14, 16-27 & 38-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Examiner's Note***

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

SP

Robert Pezzuto  
Supervisory Patent Examiner  
3714